

REMARKS

Favorable reconsideration, reexamination, and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks.

Examiner Interview

At the outset, Applicant wishes to extend their appreciation for the courtesies extended to Applicant's representative during the January 5, 2009 personal interview. A summary of the discussion and the tentative agreements reached during the interview are incorporated into the following remarks. As requested during the interview, if there are any additional changes that Examiner deems necessary to place this case in condition for allowance, it would be appreciated if the Examiner could contact Applicant's representative to expedite allowance of this case.

Summary of Office Action

In the October 8, 2008 Office Action, the following rejections were set forth:

Claim(s)	Rejection	Art
1-3, 5, 8-10, 12, 15, 17 and 18	35 U.S.C. §102(b)	U.S. Patent No. 4,935,021 to Huffman <i>et al.</i> (Huffman'021)
11	35 U.S.C. §103(a)	Huffman'021
4, 16, 19, and 20	35 U.S.C. §103(a)	Huffman'021 in view of U.S. Patent Publication No. 2003/0173018 to Harris (Harris'018)
6, 7, 13, and 14	35 U.S.C. §103(a)	Huffman'021 in view of U.S. Patent No. 4,573,988 to Pieniak <i>et al.</i> (Pieniak'021)

Summary of Response to Office Action

By this Amendment, Claims 1, 4, 8 are amended and claim 19 is cancelled without prejudice or disclaimer. The claims currently pending in this application are Claims 1-18 and 20. Claims 1, 4 and 8 are the only independent claims.

The Claims Define Allowable Subject Matter

In the Office Action, beginning at page 3, claims 1-3, 5, 8-10, 12, 15, 17 and 18 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 4,935,021 to Huffman *et al.* (Huffman'021). This rejection is respectfully traversed for the following reasons.

During the January 5, 2009 personal interview, the addition of the feature of the entire resilient body being spaced from the channel emboss portion was considered a possible way to define over the applied art, including Huffman'021. Accordingly, by the present amendment, Applicant includes this feature in independent claims 1 and 8. Claims 2, 3, 5, 9, 10, 12, 15, 17 and 18 are each dependent from a respect one of claims 1 and 10 and therefore include the respective features of either claim 1 or claim 10 therein, respectively. Accordingly, it is respectfully submitted that claims 2, 3, 5, 9, 10, 12, 15, 17 and 18 are also allowable over Huffman'021 for at least the same reasons that claims 1 and 8 are allowable, and for the separate features that these claims recite. Therefore, withdrawal of the rejection of claims 1-3, 5, 8-10, 12, 15, 17 and 18 under 35 U.S.C. §102(b) is respectfully requested.

Claim 11 was rejected under 35 U.S.C. 103(a) as allegedly obvious over Huffman'021. This rejection is respectfully traversed at least for the following reasons.

Claim 11 is dependent from claim 8. Accordingly, for at least the above reasons with respect to independent claim 8, it is respectfully submitted that claim 11 is also distinguishable from and is allowable over Huffman'021. Therefore, withdrawal of the rejection of claim 11 under 35 U.S.C. §103(a) is respectfully requested.

Claims 4, 16, 19, and 20 was rejected under 35 U.S.C. 103(a) as allegedly obvious over Huffman'021 in view of U.S. Patent Publication No. 2003/0173018 to Harris (Harris'018). This rejection is respectfully traversed at least for the following reasons.

Neither Huffman'021 nor Harris'018 either alone or in combination, disclose the feature of a resilient body which is fixed and directly adhered at least to the absorbent in a center region in a lateral direction of the product, or the feature of the resilient body being offset and spaced from a center of the absorptive product in the longitudinal direction. Thus, even assuming the references could be properly combined, there would be at least one feature completely absent.

For at least the above reasons, it is respectfully submitted that Huffman'021 and Harris'018, either alone or in alleged combination, cannot obviate Applicant's claim 4 and its dependent claims 16, 19, and 20, and that the rejection under 35 U.S.C. §103 is in error. Accordingly, withdrawal of the rejection of claim 4, 16, 19, and 20 under 35 U.S.C. §103 is respectfully requested.

Claims 6, 7, 13, and 14 was rejected under 35 U.S.C. 103(a) as allegedly obvious over Huffman'021 in view of U.S. Patent No. 4,573,988 to Pieniak *et al.* (Pieniak'021). This rejection is respectfully traversed at least for the following reasons.

Neither Huffman'021 nor Pieniak'021 either alone or in alleged combination disclose or teach the missing features as described above with respect to independent claims 1 and 8. Namely, Huffman'021 and Pieniak'021 each fail to disclose the feature of the entire resilient body being spaced from the channel emboss portion. Accordingly, as tentatively agreed during the personal interview, it is respectfully submitted that claims 6, 7, 13, and 14 now define over the applied art. Accordingly, withdrawal of the rejection of Claims 6, 7, 13, and 14 under 35 U.S.C. §103 is respectfully requested.

Conclusion

Applicant respectfully submits that the present patent application is in condition for allowance. An early indication of the allowability of this patent application is therefore respectfully solicited.


If the Patent Examiner believes that a further telephone conference with the undersigned would expedite passage of this patent application to issue, she is invited to call on the number below.

Constructive Petition

[X] **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including filing fees, fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, and any required extension of time fees, or credit any overpayment to Applicant's representative's Deposit Account cited in the application transmittal originally filed with this application. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

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